

RECEIVED
CENTRAL FAX CENTER

;5167424366

6/ 10

SEP 13 2005

Response Under 37 C.F.R. §1.116
Expedited Procedure Examining
Examining Group 2633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Casimer M. DeCusatis, et al.

Docket: FIS920010143US1(14581)

Serial No.: 09/964,190

Examiner: Dalzid E. Singh

Filed: September 26, 2001

Group Art: 2633

For: WAVELENGTH MODULATION FOR
OPTICAL BASED SWITCHING AND ROUTING

Dated: September 13, 2005

Confirmation No.: 1297

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.116

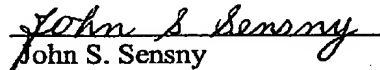
Sir:

In response to the Office Action dated July 13, 2005, please amend the subject patent application as follows.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: September 13, 2005


John S. Sensny

G:\bm\1111\14581\AMEND\14581.am2.doc

BEST AVAILABLE COPY

1400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
e:mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER**

RECEIVED
CENTRAL FAX CENTER
SEP 13 2005

Fax

To: Examiner: Dalzid E. Singh
Group Art Unit: 2633
Confirmation No.: 1297

From: John S. Sensny, Esq.

Fax: ~~785-672-3890~~ 571-273-8300 **Pages:** 10 (Including fax cover sheet)

Phone: **Date:** September 13, 2005

Re: Applicants: Casimer M. DeCusatis, et al.
Serial No.: 09/964,190
Filed: September 26, 2001
For: "WAVELENGTH MODULATION FOR
OPTICAL BASED SWITCHING AND ROUTING"
Docket: FIS920010143US1 (14581)
JSS:jy

CC**AMENDMENT UNDER 37 C.F.R. §1.116****TRANSMITTED HEREWITH:**

1. Amendment Transmittal Letter (in duplicate);
2. Amendment under 37 C.F.R. §1.116;
3. Authorization to charge IBM Deposit Account No. 09-0458/IBM, if necessary; and
4. Certificate of Facsimile Transmission, dated September 13, 2005 (in duplicate).


FOR:

Applicants: Casimer M. DeCusatis, et al.
Serial No.: 09/964,190
Filed: September 26, 2001
For: "WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING"
Docket: FIS920010143US1 (14581)
JSS:jy

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

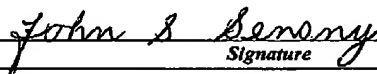
If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Julie @ Ext. 569.

BEST AVAILABLE COPY

| | | | |
|---|--|---|-------------------------------|
| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | Docket No. FIS920010143US1 (14581) | |
| Applicant(s): Casimer M. DeCusatis, et al. | | | |
| Application No. 09/964,190 | Filing Date September 26, 2001 | Examiner Dalzid E. Singh | Group Art Unit 2633 |
| Invention: WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING | | | |
| <p>I hereby certify that this <u>AMENDMENT UNDER 37 C.F.R. §1.116</u> <i>(Identify type of correspondence)</i></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u>)</p> <p>on <u>September 13, 2005</u> <i>(Date)</i></p> <div style="text-align: right;"> <u>John S. Sensny</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>  <i>(Signature)</i> </div> <p>Note: Each paper must have its own certificate of mailing.</p> | | | |

P18/REV02

BEST AVAILABLE COPY

| | | | | | |
|---|--|------------------------------------|---|--|---------------------------------|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | Docket No. FIS920010143US1 (14581) | |
| Applicant(s): Casimer M. DeCusatis, et al. | | | | | |
| Application No. 09/964,190 | Filing Date September 26, 2001 | Examiner Dalzid E. Singh | Customer No. 23389 | Group Art Unit 2633 | Confirmation No. 1297 |
| Invention: WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING | | | | | |
| COMMISSIONER FOR PATENTS: | | | | | |
| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 1 - | 20 = | 0 | x \$50.00 | \$0.00 |
| INDEP. CLAIMS | 1 - | 3 = | 0 | x \$200.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0458/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
|  John S. Sensny Registration No. 28,757 Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343 | | | Dated: September 13, 2005 <div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence </div> | | |
| cc: JSS:jy | | | | | |

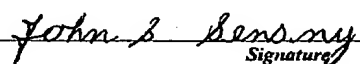
P11LARGE/REV09

BEST AVAILABLE COPY

| | | | | |
|--|--|-----------------------------------|--|--|
| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Casimer M. DeCusatis, et al. | | | Docket No. FIS920010143US1 (14581) | |
| Application No. 09/964,190 | Filing Date September 26, 2001 | Examiner Dalzd E. Singh | Group Art Unit 2633 | |
| Invention: WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING | | | | |
| <p>I hereby certify that this <u>AMENDMENT UNDER 37 C.F.R. §1.116</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u> on <u>September 13, 2005</u> (Date)</p> <p style="text-align: right;"><u>John S. Sensny</u> (Typed or Printed Name of Person Signing Certificate) <u>John S. Sensny</u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p> | | | | |

P18/REV02

BEST AVAILABLE COPY

| | | | | | | |
|---|--|------------------------------------|--|-------------------------------|--|--|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | | Docket No. FIS920010143US1 (14581) | |
| Applicant(s): Casimer M. DeCusatis, et al. | | | | | | |
| Application No. 09/964,190 | Filing Date September 26, 2001 | Examiner Dalzid E. Singh | Customer No. 23389 | Group Art Unit 2633 | Confirmation No. 1297 | |
| Invention: WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING | | | | | | |
| COMMISSIONER FOR PATENTS: | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED - | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
| TOTAL CLAIMS | 1 - | 20 = | 0 | x \$50.00 | \$0.00 | |
| INDEP. CLAIMS | 1 - | 3 = | 0 | x \$200.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0458/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | |
|  John S. Sensny Registration No. 28,757 Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343 | | | Dated: September 13, 2005 | | | |
| cc: JSS:jy | | | <div style="border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____</p> <p style="text-align: center;">_____ Signature of Person Mailing Correspondence</p> <p style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</p> </div> | | | |

P11LARGE/REV09

BEST AVAILABLE COPY